



## Czech Republic

### Country Reports on Human Rights Practices - [2001](#)

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The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June 1998, Prime Minister Milos Zeman formed a minority government comprised almost exclusively of members of his left-of-center Social Democratic Party. The Parliament elects the President for a 5-year term; in January 1998, President Vaclav Havel was reelected by a narrow margin. Although the country essentially has completed the reform of political structures initiated after the 1989 "Velvet Revolution," some institutions remained in a state of transformation. The Constitution provides for an independent judiciary, but the judiciary is hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service (BIS), reports to the Parliament and the Prime Minister's office through the Foreign Minister, who is a Deputy Prime Minister. Police and BIS authorities generally observe constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed some human rights abuses.

The country's population is approximately 10.3 million. The economy is market-based, with over 80 percent of the gross domestic product (GDP) produced by the private sector. The economy grew by 4 percent during the first half of the year. Inflation increased slightly to 5.5 percent, while unemployment remained nearly constant at 8.5 percent. The work force is employed primarily in industry, retail trade, and construction. Leading exports are machinery and transport equipment, and intermediate manufactured products. The total GDP in 2000 was \$50.78 billion (1.879 trillion Czech crowns).

The Government generally respects the human rights of its citizens; however, problems remained in some areas. Occasional police violence and use of excessive force remained a problem. Lengthy pretrial detention and long delays in trials were problems, due to structural and procedural deficiencies as well as a lack of resources for the judicial system. The Government pursued libel and slander cases against a number of journalists. There are some limits on freedom of association for groups that promote racial hatred and intolerance. During the year, some Roma were prevented from emigrating. There is some violence and discrimination against women. Discrimination and occasional skinhead violence against the Romani community remained problems. There were reports that employers attempted to prevent the formation of collective bargaining agreements. Trafficking in women and children was a problem.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Investigations continued in unresolved cases from previous years including Communist officials' responsibility for and attempts to cover up a 1981 mining accident in which 65 miners were killed; and the 1967 killing of Charles Jordan, in which involvement of the Czechoslovak state security service was suspected.

###### b. Disappearances

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police occasionally used excessive force and abused their authority.

On April 20, a police officer in Ostrava was charged with assaulting a suspect during questioning; the officer was not suspended, and remained on the force pending the outcome of the case. The case was ongoing at year's end.

In May five policemen from Karlovy Vary attacked and beat a Rom after checking his identification papers at a gas station. Although his documents were in order, the policemen insulted him, slapped him, took him to a forest and severely beat him, and threatened to kill him if he reported the incident. The policemen were charged with racially motivated behavior; the case remained pending at year's end.

In July a police investigator in Chodov was charged with "abuse of power" after calling a Romani man to the police station for questioning, where he allegedly gave the Rom alcohol, and then raped him when he lost consciousness. The investigator claimed that the Rom was called in for questioning in a stolen car case. Authorities found insufficient evidence to file charges over the alleged assault, but in October the investigator was dismissed from the force as a result of his improper questioning of the Rom.

At times police failed to take sufficient action in cases of threats or attacks against Roma; however, there was evidence by year's end that the police were treating cases of violence against Roma more seriously than in the past (see Section 5).

In May the Government concluded its investigation into alleged acts of police violence during the September 2000 protests against the meetings of the International Monetary Fund and the World Bank. The Interior Ministry concluded that police at two precinct stations most likely had committed criminal offenses, but that there was insufficient evidence to identify and take action against individual police officers. No action was taken against the police officer who was photographed standing over a fallen protestor with a raised club. A nongovernmental organization (NGO) who monitors the police filed two lawsuits alleging police misconduct towards the protestors, which remained pending at year's end. One protestor filed a lawsuit against the police alleging that during the course of his 24-hour detention, uniformed police beat him repeatedly, chained him to his cell, denied him access to an attorney, and refused to allow him access to toilet facilities; his case was pending at year's end.

In September 2000, three policemen in Brno allegedly stopped Rom Martin Tomko arbitrarily on the street, asked for his identity documents, then, after an argument, beat Tomko and left him unconscious in a park. Two of the policemen were charged with abuse of public office and inflicting bodily harm. The third, who was off duty at the time of the attack, was charged with disturbing the peace and inflicting bodily harm. In June investigators dropped the case, citing a lack of evidence to support criminal charges against the accused police officers.

The case of a Brno city police officer charged with using excessive force to break up a late night party outside a theater in 1995 was awaiting a formal court decision at year's end. The officer continued to serve on the police force.

The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (see Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin remained under investigation at year's end.

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions generally meet international standards; however, there is overcrowding in many prisons, although overcrowding declined during the course of the year. By mid-year the prison system was at 110 percent of capacity. Six large prisons designed to hold 500 inmates each were operating at twice that capacity, with 1000 inmates each. The ratio of prisoners to prison guards was approximately 2 to 1. Women and men are held separately, juveniles are held separately from adults, and pretrial detainees are held separately from convicted prisoners. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The Government permits visits by independent human rights organizations.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions.

Lengthy pretrial detention and long delays in trials were problems. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The law does not allow bail for certain serious crimes. Under the law, pretrial detention may last no longer than 4 years, and then only for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pretrial detainees are held for longer than 2 years. In 2000 the average length of pretrial detention was 107 days. By year's end, there were 4,363 pretrial detainees. A suspect may petition the appropriate investigating authorities at any time for release from detention.

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, structural and procedural deficiencies as well as a lack of training and resources hamper the effectiveness of the judiciary.

In December the Parliament passed a judicial reform package proposed by the Ministry of Justice that is scheduled to become effective on April 1, 2002. The new law includes term limits of 7 years for Constitutional Court judges, a continuing education program, and a mandatory retirement age of 70 for all judges, as well as measures to streamline the judicial process. On December 19, the President signed the bill into law.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation. Under the terms of the new law, the President is the appointing authority for all judges, and judges who have at least 10 years' experience as lawyers will be eligible for appointment to the Supreme Court.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provides lawyers for indigent defendants in criminal and some civil cases through the bar association. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments decided against them. However, the lack of experienced police investigators and qualified judges, combined with a still evolving legal environment, have contributed to a backlog of court cases. At year's end, the Ministry of Justice reported that there were 388 judges and 282 prosecutors needed to fill vacant positions; 375 judges and 96 prosecutors were chosen to fill these empty positions and were undergoing training at year's end.

The UDV continued to investigate as criminal acts some actions taken by state authorities and the Communist Party during the 1948 to 1989 Communist regime. The UDV, an independent part of the Czech Police Office of Investigations, is empowered to launch and conduct prosecutions and propose filing suits to state attorney's offices. As of October 2000, the UDV had investigated 3,083 cases under its jurisdiction, and recommended action against 244 individuals. Charges have been filed in court against 103 persons. Nine of those have been sentenced; five were placed on probation, and four received unconditional sentences, the longest of which was 5 years' imprisonment. Nearly 2,000 cases have been dropped due to the death of suspects or witnesses, various presidential amnesties, or statutes of limitation. The UDV continued to work with Charles University to prepare "moral trials" to discuss crimes whose perpetrators cannot be punished due to their death or because of a statute of limitation. It targets primarily cases of: torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; state repression of opponents of the Communist regime; and investigation of Czech authorities who negligently allowed exposure of citizens to hazardous waste after the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV was set to expire in 2000, Parliament voted in December 1999 to suspend the statute of limitations for serious crimes committed during the Communist regime, which enabled the UDV to continue investigating these cases. The Interior Ministry has extended the UDV's mandate indefinitely and broadened the period of years it should investigate to include 1945 through 1948.

On December 19, charges of treason and subversion were filed against Communist-era judge Pavel Vitek and former Communist officials Milos Jakes and Jozek Lenart for their respective roles in Communist show trials and complicity with the Soviet Union following the 1968 invasion of Czechoslovakia. Their trials were pending at year's end.

On October 10, a court acquitted two former Communist officials accused of concealing and protecting Nazi war criminal Werner Tutter in the 1960's. The judge in the case ruled that the statute of limitations had expired. In 2000 a court halted the prosecution of Lubomir Strougal, former Czechoslovak Premier and Interior Minister, in connection with the arming of the People's Militia--a paramilitary force of the former Communist Party. The prosecution was halted in order to determine whether the crime of which he is accused fell within the scope of a 1990 presidential amnesty. On October 7, the Justice Ministry found that the amnesty does not apply in Strougal's case; his trial recommenced on December 17.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respects these prohibitions in practice. Electronic surveillance, the tapping of telephones, and the interception of mail require a court order, and violations are subject to effective legal sanction. During the year, security forces monitored the activities of the Patriotic Republican Party (see Section 3).

### Section 2 Respect for Civil Liberties, Including

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, on at least one occasion a government official brought a lawsuit against a journalist for slander. Individuals can and do speak out on political topics and freely criticize the Government and public figures.

On November 22, the Government filed a criminal complaint against Petr Holub, the publisher of the magazine Respekt, over an article that was published in October accusing the cabinet and the Prime Minister of corruption. On November 28, Trade and Industry Minister Miroslaw Gegr filed an individual lawsuit.

In July an online journalist was questioned repeatedly by police and fined approximately \$275 (10,000 Czech crowns) for refusing to cooperate. While not formally charged, the journalist was questioned under suspicion of slandering the police after he published a series of articles in which he alleged police misconduct in a November 2000 raid on a squatter encampment. Many observers criticized the police for attempting to intimidate the journalist.

Citizens also have access to foreign broadcasts via satellite, cable, and the Internet. The Government does not restrict or monitor access to the Internet.

In March a court dropped charges of slander, assault on a public official, and inciting racial discord filed against prominent national Romani leader Ondrej Gina in November 1999. The mayor and city council of Rokycany formally had pressed charges against Gina for remarks that he had published about the mayor and the city on an Internet site about discrimination against Roma. Local police concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council argued that Gina's remarks were malicious enough to constitute "defamation of the Czech nation" and "harm to the reputation of the city of Rokycany at home and abroad" (see Sections 1.f. and 5.).

On March 14, the prosecutor's office determined that no criminal offense had occurred and dropped the case against two journalists who refused to reveal their sources in a case involving an alleged slander campaign against a member of the Government. In 2000 President Havel had pardoned the two, but had insisted that investigators and prosecutors continue their work in an attempt to establish a legal precedent. The prosecutor's office determined that no criminal offense had occurred and dropped the case.

The closely watched case of journalist Zdenek Zukal continued. Zukal continued to face three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Originally Zukal had been charged in December 1999 with slander for publishing documents he knew--or should have known--to be forgeries. Local authorities later changed the charge to

false accusation 1 day before a planned presidential pardon. Zukal's trial was delayed on numerous occasions and remained ongoing at year's end.

On June 15, former television reporter Tomas Smrcek was acquitted of charges that he deliberately endangered classified information in a 1999 report on possible Czech intelligence service cover-up of one of its official's drunk driving offense.

The Penal Code imposes prison terms of between 6 months and 3 years on persons who deny the Nazi Holocaust and the Communist genocide. The law also outlaws the incitement of hatred based on race, religion, class, nationality, or other group. In August authorities brought charges of propagating a movement leading to the suppression of citizens' rights and freedoms, and inciting panic and criminal slander against an outspoken communist activist. The accused repeatedly called for imposition of a dictatorship of the proletariat, nationalization of industry and capital, and a return to communist rule. He also labeled several prominent politicians "criminals and traitors." On September 24, a man was charged with causing a breach of the peace and supporting movements leading to the suppression of citizens' rights and freedoms after he allegedly chanted the name of Usama bin Ladin and anti-U.S. slogans at a football match on September 15; his case was pending at year's end.

During the year, the far-right Republican Party (SPR-RSC) continued its strategy of filing criminal complaints against government entities and NGO's that have challenged its racist and anti-Semitic policies. In October 2000, the party filed a criminal complaint alleging that the Human Rights Commission and the Interior Ministry were guilty of incitement to racial and ethnic hatred for conducting a study of the party's racist and anti-Semitic policies. During the year, prosecutors decided that the complaint had no merit and closed the file. In September the Republican Party filed a similar criminal complaint against the League of Ethnic Minorities over a series of public service announcements using humor to discredit far-right and neo-Nazi supporters.

A Freedom of Information law provides for freedom of access to information under the control of state and local authorities as well as other institutions; and citizens exercise this right in practice.

The print media are varied and independent and publish without interference by the Government; however, there are restrictions on certain types of propaganda materials. In addition editorial staffs of many newspapers are viewed widely by the public and politicians as favoring certain political parties. There are four national newspapers and two national tabloids, along with numerous regional and local newspapers. Many magazines and journals also are published and cover a wide spectrum of topics. A wide variety of Czech and foreign investors own the print media.

The electronic media are independent. There are 3 national television stations--1 public (with 2 separate channels) and 2 private--and more than 61 private radio stations in addition to Czech Public Radio. A third private television station, TV3, can be viewed only in certain regions or through cable and satellite. The leading television channel, Nova, is privately owned. Citizens also have access to foreign broadcasts via satellite, cable and the Internet. The State funds television and radio programs for Roma on public stations and also supports Romani press publications. There is one full-time anchorman of Ghanaian background on TV Nova, but no Roma occupy such positions.

A 13-member Council for Radio and Television Broadcasts has limited regulatory responsibility for policymaking and answers to the parliamentary media committee, which exercises broad oversight of the Council and must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. The Council continued to be the target of criticism during the year for its lack of initiative and ineffectiveness in addressing a high profile ownership dispute at the country's largest private television channel.

International arbitration on a dispute over the ownership of the television channel NOVA and alleged fraud and commercial misconduct by the station's license holder culminated in two decisions against the Government for not fulfilling its obligations under separate bilateral investment treaties. The first, issued on September 5, found that the Government had breached the terms of a bilateral investment treaty, but did not award damages. The second, issued on September 15, found that the Government had violated several aspects of the bilateral investment treaty. This second arbitration panel had not reached a decision on damages by year's end. The Government announced plans to appeal the decision.

On December 2, the private channel TV-3 discontinued broadcasts after the Council commenced a debate in November on allegations that TV-3 was involved in illegal broadcasts. The Council warned TV-3 that fines of millions of crowns might be imposed on the television station. The interruption in the broadcasting was a result of a dispute between TV-3 and the holder of the station's broadcasting license over the Council's denial to transfer the broadcasting license.

Twice during the year, programming of Radio Svobodna Evropa came under scrutiny of the Council following charges of bias in its reporting; in both cases, the Council retroactively examined RSE programs and found no evidence to indicate bias. Some observers criticized the reviews as political interference in media affairs. Others noted that the Council acted in response to complaints from citizens and followed prescribed rules in undertaking its review of programming.

There is also a nine-member Czech Television (CTV) Council charged with oversight of the public Czech Television. There was a controversy about political influence on CTV in December 2000, when the Council dismissed the CTV general manager. The Council hired a new manager 8 days later who was alleged to be subject to political influence. In protest, news staff began producing their own version of the principal CTV and public affairs programs. The newly appointed manager was prevented from entering CTV studios and began simultaneous broadcast of its own news and public affairs programs. On January 11, the controversial general manager resigned amid widespread protests supporting the journalists. On February 9, the CTV appointed Jiri Balvin interim general manager, and on October 31, the CTV elected him permanent general manager.

The law provides for academic freedom but forbids activities by established political parties at universities. In April a controversy arose at Charles University after far-right extremists participated in a lecture series on political extremism. The Dean of the university cancelled the series and threatened the professor who organized it with disciplinary measures. Many observers welcomed the university's tough stance against allowing extremists a platform to express their views, while others criticized the university's actions as a restriction of academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly, and the Government generally respects this right in practice; however, it may legally restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of the participants. Permits normally are required for demonstrations, but police generally do not interfere with spontaneous, peaceful demonstrations.

Several times during the year, skinhead groups organized concerts which drew participants and audience members from neighboring countries. The police closely monitored these concerts. In April Interior Minister Gross expressed his displeasure with the concerts and urged police to make use of existing laws against incitement to racial hatred and suppression of civil rights to prosecute organizers and participants. On May 22, eight persons were charged in connection with a skinhead concert that took place in April. Four were accused of "supporting and promoting movements designed to suppress civil rights and freedoms." The other four were accused of "publicly expressing sympathies for fascism" (see Section 5). Their cases were pending at year's end.

The law forbids political party activity of any kind at universities (see Section 2.a.).

The Constitution provides for the freedom of association, and the Government generally respects this right in practice. Organizations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or arbitrarily withheld. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registration of skinhead organizations and others propagating racial hatred or fascism. In March 2000, the Ministry of the Interior cancelled the registration of a neo-Nazi organization that had propagated anti-Semitic sentiment (see Section 5). In October 2000, the Ministry refused to register the National Party, an extreme right-wing organization, as a civic association (see Section 3). In 2000 the Interior Minister also started an investigation into the charter and program of the far-right Patriotic Republican Party.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

The State subsidizes all religions that are registered officially with the Ministry of Culture. There are 21 state-recognized religions. To register a religious group must have at least 10,000 adult members permanently residing in the country. For any churches already recognized by the World Council of Churches, only 500 adult members permanently residing in the country are necessary. Churches registered prior to 1991, such as the small Jewish community, are not required to meet these conditions. Unregistered religious groups, such as the small Muslim minority, may not own community property legally, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference. The Unification Church (UC), was denied registration in January 1999 when the Department of

Churches determined that it had obtained the required proof of membership by fraud; the UC contested the decision in court, and the case remained pending at year's end. During the year, the Jehovah's Witnesses provided clarification of their position on blood transfusions to the satisfaction of the Ministry of Culture, and as a result, they remained registered officially.

On December 18, Parliament voted to override President Havel's veto and enacted the Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies. This law was modeled after the religious registration law in effect in Austria. It will impose a two-tiered registration system, lowering the membership requirement for the first tier (non-profit religious association with limited tax benefits) to 300, but raising the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 20,000. The new law will also impose a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Under the old law, registered churches would automatically receive second-tier status. The new law has been criticized by some unregistered religious groups (including the Muslims and the Church of Scientology) and nongovernmental observers as prejudicial against minority religions. Some critics have argued that complete registration at the second tier will be more difficult to attain given the 10-year observation period and the doubling in the number of adherents required to achieve second tier registration. The Catholic Church also has criticized the legislation for a provision that would bar the church from using profits from church-owned enterprises for religious activity; which the Church argues could interfere with its ability to administer many church-owned hospitals and charities.

A new more restrictive law entered into effect in 2000 on visas for resident foreigners, which requires that aliens apply for work visas before entering the country and provide financial information when doing so. The law is aimed at stopping illegal workers and does not specifically prohibit religious workers.

Police were criticized on several occasions during the year for failing to intervene against neo-Nazis shouting anti-Semitic slogans at concerts and rallies (see Section 5).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice; however, some Roma were prevented from emigrating. Since 1997 when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Romani families have continued to emigrate. Roma activists said that the motive for the increased emigration is fear of racism, violence, and discrimination (see Section 3); however, others believe the Roma are emigrating for economic reasons. An increase in the number of Czech Roma seeking asylum in the United Kingdom during the year (647 cases by the end of June) led to imposition of pre-inspection controls at Prague's international airport in July and again in August; UK Roma activists roundly criticized the controls as "racist" because they appeared to target Roma travelers.

In July the Romany Civic Initiative and the Democratic Union of Roma filed a lawsuit with the Czech Constitutional Court against the Government charging the Government with inciting racial and ethnic hatred. The groups alleged that the selective screenings by British officials at Prague's Ruzyně airport restrict the Roma's right to travel. They also alleged that more than 50 Roma travelers have been denied permission to fly to the United Kingdom based on their ethnicity since the checks began in July.

Czechs who emigrated during the period of Communist rule frequently returned to visit or live. The law permits such persons to regain citizenship without having to relinquish the foreign citizenship that they acquired during their absence. In September 1999, Parliament passed a law to allow former Czechoslovak citizens who have lived in the country since 1993 to reclaim citizenship by simple declaration. This bill was created to remedy the de facto stateless situation of some Czech Roma, who were estimated to number between 10,000 and 20,000 persons. The law also regularizes the status of children in foster care who lacked citizenship or permanent residency status. However, the law only provides for citizenship for those who have resided continuously in the country since 1993. Roma activists claimed that some local officials refused to process Czech citizenship applications for "Slovak" or stateless Roma families in violation of the law. In one case a Slovak applicant was denied Czech citizenship illegally then required to leave the Czech Republic, thus losing his continuous resident status and voiding his citizenship claim. The law does not provide benefits to those who were denied citizenship and benefits and expelled between 1993 and 1999. Many local authorities and Roma also apparently were unaware that any changes to the citizenship law had been made. Citizenship is not revoked for political reasons.

As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more Slovaks to become citizens (see Section 5). The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

A legal and institutional framework is in place for the processing of refugees and asylees. A law on asylum that entered into effect in January 2000 improves refugee processing; it establishes a list of "safe countries of origin" from which applicants are unlikely to receive asylum, provides financial support for towns with refugee camps, and increases access to legal advice for asylum seekers. On September 24, the Parliament approved changes to the asylum law aimed at reducing the number of economic asylum seekers, and further speeding up the process for asylum decisions. These changes took effect in November. No independent body has been established to handle the appeals of those denied refugee status. The Government provides first asylum and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

As of September, 12,318 asylum requests had been processed during the year. Persons from Ukraine, Moldova, Romania, Vietnam, India, and Georgia submitted the most asylum requests during the first three quarters of the year. In 2000 133 asylum claims were granted.

The Government fully funds an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers are provided for recognized refugees.

The Czech Republic is both a transit and destination country for migrants. Migrants from economically disadvantaged countries in Central and Eastern Europe often enter the country to take up illegal residency or in transit to other countries. In 2000 border police prevented 32,720 illegal entry attempts, up slightly from 1999. A growing concern is the smuggling of large groups of refugees and economic migrants into and across the country, which lacks specific laws criminalizing alien smuggling. The number of illegal migrants detained by Czech authorities through September is roughly the same as over the same period in 2000. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Bulgaria, and Vietnam. A 1999 law on residence and visas tightened considerably previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists.

Since 1993 local courts and foreign police have expelled to Slovakia Slovaks without proper citizenship or residency papers. Some of these expulsions involve Slovak Roma who have never been in Slovakia. By the first half of 1997 (latest available statistics), a total of 851 Slovaks had been expelled administratively or judicially by the authorities. A February 1998 presidential amnesty granted amnesty to those receiving expulsion sentences for crimes in which the punishment was less than 5 years' imprisonment; however, according to one NGO that follows this issue, some courts have not implemented this amnesty. Courts have not imposed expulsion sentences since the implementation of a new citizenship law in 1999, which allows Slovaks and others to legalize their status. However, there have been complaints from Roma activists that local officials in some areas are refusing to process Czech citizenship applications for Slovak or stateless Roma families (see Section 5).

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens above the age of 18 are eligible to vote by secret ballot in national, regional, and local elections.

The Government of Prime Minister Milos Zeman took office in July 1998. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic party, the first nonrightist government since 1989. In addition to the largest opposition party--former Prime Minister Vaclav Klaus' Civil Democratic Party, which formally has agreed to support the minority Social Democratic Government under certain conditions--the opposition consists of the Communist Party and a coalition of four small centrist and center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation. To enter Parliament, a single party must obtain 5 percent of the votes cast in the election; however, coalitions must obtain 5 percent of the votes per party (i.e. a three-party coalition would have to receive 15 percent of the votes cast to enter Parliament). The President and a group of opposition senators challenged the law's constitutionality, complaining that the law discriminates against small parties and prevents political competition, however, the challenge was unsuccessful. The President is elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may use a suspense veto to return legislation to Parliament, which then can override that veto by a simple majority of all members.

The law provides for the formation of political parties. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Political parties must register with



the Ministry of the Interior. In September two new political parties, Cesta Zmena (Way of Change) and Novy Smer (New Direction), were registered.

Either the Government or the President may submit a proposal to the Supreme Court calling for a political party to be disbanded. In December 2000, the Interior Ministry publicly announced that it was conducting an investigation into the constitution of the far right Patriotic Republican Party to determine if the party should be deregistered, and the police and security services monitored the party's activities. During the year, the Interior Ministry rejected a request by the Patriotic Republican Party to change its name to "National Social Bloc".

A citizenship law passed in September 1999 remedied the situation for some persons, predominantly Roma, who lacked voting and other rights due to restrictions under the previous citizenship laws. These persons were enfranchised under the former Czechoslovakia, but were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic (see Section 5). They lacked voting and other rights due to restrictions under the previous citizenship laws (see Section 5). Nonresident Czechs may vote in national elections.

The 1991 Lustration (vetting) Law, continued to bar many former Communist Party officials, members of the People's Militia and suspected secret police collaborators from holding a wide range of elective and appointive offices, including senior appointive positions in the Government state-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to December 31, 2000, overriding a veto of President Havel, and in November 2000, the Chamber of Deputies again extended the validity of the law over the veto of President Havel until a new civil service law and security law were passed and implemented. These laws have not been implemented yet. The extended law exempts from the lustration process persons born after December 1, 1971, an exemption not included in the earlier version. Some private employers also have required applicants to produce lustration certificates proving noncollaboration. By October 1, the special section of the Interior Ministry handling lustration requests had processed 6,770 lustration certificates, bringing the total since 1991 to 402,270. During the year, 2.5 percent of the applications did not receive confirmation of a clear record. Those who did not receive confirmation of a clear record may file a civil suit against the Interior Ministry for a charge similar to slander; however, no such suits were filed during the year. During the year, the European Commission again noted the need to eliminate the law.

The percentage of women in government and politics does not correspond to their percentage of the population. The 200-member Chamber of Deputies has only 31 female deputies, including 1 deputy speaker. There are 10 female senators in the 81-member Senate. There are no women in the Government's Cabinet. In March a "shadow" cabinet--which has no power but follows special topics of interest and prepares coordinated responses for policy papers--was formed and is comprised of prominent women politicians and activists. In June Hana Marvanova became the first female head of a parliamentary party when she was elected to lead the Unie Svobody (Freedom Union) party.

The percentage of minorities in government and politics does not correspond to their percentage of the population. No seats are reserved in either house for ethnic minorities. Slovaks, of whom there are an estimated 300,000, are almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. For the most part, these Slovaks define their interests in the context of national politics, not along ethnic lines; there is no Slovak party in Parliament. Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into political life (see Section 5). Roma themselves have been unable to unite behind a program or set of goals to advance their interests within the democratic structures of the country. Few Roma serve in local government structures, although some have been appointed to advisory positions in government ministries. There is one representative of Romani background in the Parliament.

#### Section 4 Governmental Attitude Regarding International Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The best-known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organization). There are also many single-issue groups.

In 1999 the Government created a \$14 million (500 million Czech crowns) endowment that is used by 39 NGO's to work on issues of social welfare, health, culture, education, human rights protection, and the environment. In June 2000, the Government's Council for Nongovernmental Organizations announced it would be dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations focusing on human rights and the environment.

On March 7, Jan Jarab replaced Petr Uhl as the Government's Commissioner for Human Rights. The Human

Rights Commissioner serves as head of the government Committee for Nationalities and of the Interministerial Commission for Romani Community Affairs, established in 1997 (see Section 5). A Council for Human Rights, which has 10 representatives of government ministries and 10 human rights activists, advises the Government on human rights problems and proposes legislation to improve the observation of human rights in the country. On November 26, the Council gave a government grant of \$54,000 (2 million Czech crowns) to the NGO People in Need to support an ongoing media campaign against extremism.

Former Justice Minister Otakar Motejl serves as "Public Rights Protector" or Ombudsman. Appointed by the Chamber of Deputies, Motejl, a political independent, addresses citizens' complaints of violations of civil and human rights and freedoms by government entities. During the first half of the year, the Ombudsman's office received more than 2,100 requests for assistance. The Ombudsman has no legal power to sanction offending individuals or offices.

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities, which advises the Cabinet on minority affairs, is composed of three representatives of each of Slovaks and Roma; two representatives of Poles and Germans; one Hungarian representative; and one Ukrainian representative. In November 2000, the Government signed the European Charter on Minority and Regional Languages. On July 16, a law on the rights of ethnic minorities was signed into law, which provides for the right for ethnic minorities that have "traditionally and over a long period of time lived in the country" to use their native language in interactions with the Government, in the provision of voting materials, and in their education. There also is a government commission, staffed by members of an NGO and journalist communities, that monitors interethnic violence.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the equality of citizens and prohibits discrimination. Health care, education, retirement, and other social services generally are provided without regard to race, sex, religion, disability, or social status. In practice Roma face discrimination in such areas as education, employment, and housing, and women face discrimination in employment.

#### Women

The actual extent of violence against women is unknown; however, some studies by experts indicate that it is more common than publicly acknowledged. ROSA, an NGO that helps women in trouble, estimated that 1 in 10 women in domestic situations suffer from emotional or physical abuse, and that 30 percent of the abusers were university educated. A 1998 research study conducted by Prague's Sexological Institute indicated that 13 percent of women were raped. Spouses or partners were responsible for 51 percent of rapes, with an additional 37 percent of the attacks committed by men known to the victims. Only 12 percent of rape victims were attacked by strangers. According to police statistics, there were 500 rapes reported countrywide in 2000, although researchers at the Institute estimated that only 3.3 percent of rape victims reported the crime to the police; however, it is believed that rape and domestic violence cases are widely underreported. According to the Ministry of Justice, during the year there were 140 convictions for rape throughout the country. Researchers and NGO's estimated that between 3.3 and 7 percent of rape victims filed reports with the police, and it is believed widely that rape and domestic violence cases were greatly underreported.

Legislation does not address spousal abuse specifically; however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days, the attack is classified as a misdemeanor and punished by a fine not to exceed approximately \$80 (3,000 Czech crowns--approximately one fourth of the average monthly wage). Repeated misdemeanor attacks do not result in stricter sanctions on the abuser.

Gender studies experts reported that women were ashamed to report rape or speak about it, and that the police were not equipped to help, either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of the Interior runs a training program in protocols for investigating family violence and sexual crime cases. The police continued to train specialized personnel to handle domestic violence; however, the police do not yet engage in regular contact with welfare and medical services. The Police Academy and secondary police schools have introduced, into both the introductory and continuing education curriculums, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitize police to the treatment of victims. The Government maintains a comprehensive awareness and prevention program designed to address problems of trafficking, abuse, and violence against women.

According to Elektra, a help center for abused women, rape victims can seek psychological help through any

help line or crisis center. Crisis centers that help rape victims include White Circle of Safety, an association for crime victims that provides free psychiatric and legal help, and Riaps, a help line that counsels persons who experience any kind of trauma. According to NGO's, there were 107 state-supported shelters located in most major cities and towns and accept women who have been raped or abused; local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved, but there still were not enough shelter spaces to meet the demand.

Public debate about violence against women is rare, despite the efforts of women's groups to focus public attention on the problem. During the year White Circle of Safety undertook a nationwide media campaign to increase awareness of domestic violence. A series of public service announcements on radio and television received nationwide attention. Representatives of the White Circle of Safety also promoted public discussion of the issue by appearing on national events talk shows. The press occasionally reported on the problem of violence against women and trafficking in prostitutes.

Pimping is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. The Interior Ministry estimates that up to 25,000 persons worked in the sex industry during the year. Prostitution and sex shops were prevalent particularly in the border regions with Germany and Austria, where international vehicular traffic is heaviest. The law prohibits trafficking persons into prostitution; however, trafficking in women was a problem (see Section 6.f.).

Sexual harassment is a recognized problem, and the labor law contains a definition of, and prohibition against, sexual harassment. The law defines sexual harassment as unwanted, inappropriate or offensive sexual behavior, acceptance or rejection of which could be interpreted by another employee as affecting her status in the workplace. Although the law prohibits sexual harassment, studies concluded that approximately one-half of all women have experienced sexual harassment in the workplace. The concerns of women's groups over workplace sexual harassment previously were ignored or dismissed; however, in 1999 a university student became the first woman to win a civil sexual harassment lawsuit.

Women are equal under the law and in principle women enjoy equal property, inheritance, and other rights with men. Under the law, women receive the same pay for the same job; however, although women constituted roughly half of the labor force, they are employed disproportionately in professions with a lower median salary. Women's median wages lag behind those of men by roughly 20 percent, although the gap is narrowing.

The law prohibits discrimination in hiring and employment based on sex. However, the unemployment rate for women exceeds that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women hold senior positions.

A 1991 employment law bans discrimination on the basis of sex; however, in practice employers remained free to consider sex, age, or attractiveness when making hiring decisions. Amendments to the law in 1999 and 2000 explicitly prohibit employment discrimination based on a variety of factors, including sex, race, skin color, sexual orientation, language, faith, health and family status, and repeated offenses are punishable by fines of up to 1 million Czech crowns. However, employers often openly used such factors as age, sex, and lifestyle in their employment solicitations and advertising.

#### Children

The Government is committed to children's welfare; it funds programs for health care, basic nutrition, and provides free and compulsory education through age 15 (through age 14 in special schools). Girls and boys enjoy equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Romani children into mainstream schools. Official estimates indicated that less than 20 percent of the Romani population completed the ninth grade, and less than 5 percent completed high school. A significant number of Romani children are transferred at an early age, after a psychological exam, to "special schools" for the mentally disabled and socially maladjusted. According to unofficial government estimates, Romani children made up 60 percent or more of pupils placed in these special schools, although Roma constitute less than 3 percent of the population. Graduates of the "special schools" are not restricted from attending secondary schools (see Section 5). Some Romani parents do not send their children to school regularly due to a fear of violence, and the expense of books and supplies.

In 1999 12 Romani families filed suit in the Constitutional Court to protest the "de facto segregation" of Romani children into special schools; however, the Constitutional Court rejected the complaint in November 1999 and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. In April 2000, the families took the case to the European Court of Human Rights in Strasbourg; a decision was pending at year's end. The Ministry of Education later took steps independently to implement some of the recommended changes; for example, the Ministry of Education is working on changes to the psychological exam given to Czech children that many claim is culturally biased against Romani children.

Children are assigned to "special schools" based on poor results on the exam.

Many districts with high concentrations of Roma participate in year-long programs (so-called zero grades) to prepare for their first year in school; these programs are funded solely by local authorities. More than 100 zero grades operated throughout the country. Some districts tracking local Romani students report that up to 70 percent of the children who attend zero-grade training successfully entered and remained in mainstream schools. In addition Romani "assistant teachers" are placed into primary and special schools to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. According to the Ministry of Education, there were 200 Romani assistant teachers in the school system during the year, an increase from 144 in 2000. Joint Romani-Czech language textbooks are used in 60 elementary schools to help overcome the barrier in the early school years between Romani children and non-Romani speaking teachers. The Ministry of Education ordered a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the Romani community. Local NGO's support additional studies and private initiatives to prepare Romani children for mainstream schools.

In 2000 the Ministry of Justice reported a 6 percent decrease in the number of neglect and welfare cases: 5,894 in 2000, compared to 6,207 in 1999. Laws criminalize family violence, physical restraint, sexual activity, and other abuse of a minor. A Children's Crisis Center was established in 1995 and is 70 percent state supported. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, and sexual abuse is 20,000 to 40,000, but only about one-tenth of such cases are registered by the police. Between 50 and 100 children die each year as a result of abuse and violence within the family.

Child abuse continued to receive press attention during the year. Press and government reports throughout the year indicated that Central Europe, including the Czech Republic, remained a popular destination for pedophiles due to its convenient location and low risk of sexually transmitted disease (see Section 6.f.). Some experts estimated that the number of visits to the country, primarily by other Europeans, for the purpose of abusing children has increased 20 percent since 1997. During the year, police personnel took measures to prevent this type of "sex tourism" more effectively: police maintained patrols in high-risk areas, enforced curfew-type policies more actively, and worked to raise public awareness of the issue through the media. Despite increased police efforts, press reports still indicated that in many border regions sexual tourism with adolescents continues. Dissemination of child pornography, whether by print, video, CD-ROM, or the Internet is a criminal act; laws against child pornography are generally enforced (see Section 2.a.). Court convictions against persons guilty of sexual abuse of children are reported routinely in the media.

According to NGO's, there were approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGO's.

Trafficking in children was a problem (see Section 6.f.)

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services, and no there were no reports of such discrimination; however, persons with disabilities suffer disproportionately from unemployment. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks and the Government provides transportation subsidies to disabled citizens. Numerous NGO's support social assistance programs to diminish the disadvantages faced by persons with disabilities. These NGO's reported that, although problems persist, the situation for persons with disabilities has received more attention and had improved greatly from that of only a few years ago.

Regulations and the Construction Code require architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration; these regulations are applied in practice. However, many buildings and means of public transportation remained inaccessible to those in wheelchairs, although access is improving. In Prague 24 of 50 metro stations are wheelchair accessible; however, most of these stations are in the outskirts of the city, and the majority of stations in the city center remained inaccessible. There are a growing number of bus lines that are accessible to persons with disabilities; tram lines in Plzen are wheelchair accessible. Due to the lack of barrier-free access to public schools, access to education can be a problem, although there is at least one barrier-free school in each district.

#### Religious Minorities

A small but persistent and fairly well-organized extreme rightwing movement with anti-Semitic views exists in

the country. For example, neo-Nazi's shouted anti-Semitic slogans at concerts and rallies during the year. In May the Ministry of Interior announced a forceful effort to counter the neo-Nazis, which included increased monitoring of their activities, closer cooperation with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

During the year, Vit Varak was convicted on charges of disseminating hate speech and propagation of a movement aimed at suppressing rights and freedoms for selling "Mein Kampf" on the Internet. The court imposed a fine of approximately \$3,700 (100,000 Czech crowns); in August the District Court in Prague lowered the fine to approximately \$2,220 (60,000 Czech crowns) following an appeal.

In December 2000, police in Zlin uncovered another group distributing neo-Nazi recordings, publications, and badges. A 21-year-old woman was charged with suppressing rights and freedoms. Her case was pending at year's end.

Legal actions against the 12 persons arrested in February 1999 for distributing racist, Fascist, and anti-Semitic materials concluded during the year: 8 of the 12 defendants were prosecuted; 4 were convicted; and 4 were acquitted. In March the court sentenced three of the defendants to 18 months' imprisonment and 2 years' probation. One received 24 months' imprisonment and 3 years' probation, because of the additional charge of possession of an illegal firearm.

#### National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number between 200,000 and 250,000. However, in the census published during the year, only 11,716 persons officially claimed Romani identity; the census used "self-identification," and it is believed that many persons chose not to identify themselves as Roma for fear of negative consequences. Roma live throughout the country but are concentrated in the industrial towns along the northern border, where many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the West more than 40 years ago. Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease.

Members of skinhead organizations and their sympathizers most often perpetrated interethnic violence, particularly against Roma although other "dark-skinned" individuals also were attacked. An estimated 5,000 skinheads were active in the country. During the first half of the year, police recorded 167 "racially motivated or extremist crimes," a decrease from 316 recorded in the first half of 2000. However, police and courts at times were reluctant to classify crimes against Roma as racially motivated. Observers believed that the actual figures were higher; nonetheless, developments during the year indicated a positive trend toward recognizing the racial motivation of such crimes. There were 470 prosecutions of racially motivated crimes during the year, which was a 4 percent increase from the 451 prosecutions in 2000.

In May police arrested two men associated with neo-Nazi groups who beat two Algerians and a Taiwanese man in Prague; the men were charged with breach of peace, violence against a group of persons, violence against an individual, and causing severe bodily harm. Both men face 10 years' imprisonment if convicted; the case was pending at year's end.

In April two skinheads attacked an Indian medical student in Olomouc, and kicked him in the head until he was unconscious. The attackers escaped and police were investigating the incident as a misdemeanor pending some evidence of racist motive. Also in April, a 14 year-old boy of Franco-African descent was attacked in Sternberk; his attacker allegedly shouted racist insults at the boy while kicking him. Police arrested the assailant and charged him with "defamation of a nation, race, or conviction" as well as disturbing the peace. The case was pending at year's end.

On April 20, a group of skinheads and Roma clashed in the town of Novy Bor. Approximately 45 skinheads had gathered earlier in the day in a nearby town to celebrate Adolf Hitler's birthday, and upon arriving at a restaurant in Novy Bor, began taunting Roma who were there. Reportedly the taunts turned to physical assaults, and many of the Roma fought back. Police arrested and detained several skinheads and Roma for hooliganism.

On June 30, four skinheads assaulted a group of Roma in Ostrava, injuring two of them seriously. The skinheads stabbed one of the injured four times, while the other was struck in the head by a projectile fired from an air pistol. Police charged the assailants with "causing bodily harm with racial intent;" the case was ongoing at year's end.

On July 21, a skinhead stabbed to death Rom Ota Absolon in the eastern Bohemia town of Svitavy, after addressing numerous racial epithets at him. Police charged the skinhead, Vlastimil Pechanec, with "murder with racist intent." He faces 12 to 15 years in prison if convicted. Absolon's killing was criticized widely throughout the country and his funeral attracted several hundred mourners, including government representatives. In response to this incident, Roma groups in several cities and towns organized "self-defense patrols," which consisted mainly of small groups of Roma patrolling the streets of predominantly Roma neighborhoods armed with mobile phones.

On December 7, a settlement was reached in the case of three teenagers, who were charged and convicted of racial violence after throwing Molotov cocktails at a Roma family's home and car in Rokycany in June 2000. The settlement allowed the teenagers' record to be expunged in exchange for words of contrition and a \$1,150 (42,500 Czech crowns) payment to the Roma family.

In October a Regional Court upheld a District Court's verdict--issued for a second time--that a 1999 attack by a group of skinheads on a Rom in a bar was not organized. As a result of the original verdict issued in January 2000, the District Court then found four of the attackers not guilty and placed two of them on probation.

On March 14, 23 skinheads were convicted of racially motivated violence, organized rioting, and damage of property with racist motive in a 1999 attack on 60 to 70 Roma in a restaurant in Ceske Budejovice, in which 6 persons were injured. Six of the 21 were sentenced to a minimum of 18 months in prison, while the remaining 15 were given suspended sentences of 10 to 24 months; the defendants appealed the convictions and the case remained pending at year's end.

A number of cases from previous years were ongoing, including the cases of a man charged with defamation of a nation or race and with rioting for attacking two Roma men at a disco while shouting racial slurs; three 17-year-old members of a previously unknown group, Czech Lion (Cesky Lev) charged with a racially motivated attack for a series of attacks on Roma and Romani homes in Rokycany in July 2000; and the leader of a large, well-organized skinhead movement with ties to the United Kingdom, Sweden, Hungary, and Slovenia charged with dissemination of fascist propaganda.

On April 30, three men charged with rioting and defamation of race for a July 2000 attack of six Roma on a road near the village Osek were convicted of rioting and racially-motivated violence; one of the convicted received a 10-month suspended sentence, the second received an 8-month suspended sentence, and the third was sentenced to 300 hours of community service. Criminal charges were dropped against a skinhead charged with rioting for an attack he perpetrated with approximately 14 other skinheads on 5 Roma in a bar in Nachod in February 2000; his case was transferred to the local court for disposition as a misdemeanor offense.

In August 1999, approximately 30 skinheads attacked several Romani homes in a village near Jaromerice nad Rokytinou, which resulted in several injuries to 2 Roma and damage to several cars and houses. Twelve persons were convicted in November 2000 and given suspended sentences ranging from 4 months to 2 years; the judge indicated in his verdict that the defendant's youth and voluntary payment of partial compensation were factors in his decision to impose reduced sentences. On March 5, an appeal by the victims was rejected and the trial court's verdict upheld.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement (see Section 2). During the year, after Interior Minister Stanislav Gross repeatedly stated his displeasure with extremist activity and his desire for stronger police action against it, police began monitoring such groups and more actively investigated and arrested those accused of committing such crimes.

The site of a former Romani concentration camp at Lety continued to be a source of controversy. In 1974 a pig farm was built on the site of the camp; both Roma and the Human Rights Commission have called for its removal. In October 2000, commemorative plaques were unveiled at the site, and the Government has completed the transfer of archives related to the camp to the U.S. Holocaust Memorial Museum.

Roma who wish to integrate face practical difficulties in the areas of employment and education. Estimated unemployment among Roma is 70 percent, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refuse to hire Roma and ask local labor offices not to send Romani applicants for advertised positions. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnic origin, but no enforcement statistics were available. Under the law, individual Roma do not have the right to file discrimination complaints; action must come from governmental authorities. Many Roma are qualified only for low-paying jobs as manual laborers since very few complete secondary education.

Roma also face discrimination in housing and other areas of everyday life. Despite constitutional prohibitions on discrimination, a civil law framework to implement these provisions has not been incorporated to address specific offenses under the Criminal Code. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry.

A higher-than-average percentage of the Romani population applies for partial or full disability pensions due to the occurrence of malignant diseases resulting from the neglect of preventive health practices or the lack of available medical care in areas with above-average Romani populations. Some Roma refuse to cooperate with compulsory vaccinations for children or are refused treatment by general practitioners who have full quotas of subsidized patients. NGO's and individuals in the health and education fields that aim to improve living conditions for the Roma have had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves have had limited success in organizing their local communities, which often are disunited and where many are reluctant to foster contacts with the majority.

Roma also were subject to popular prejudice, as is confirmed repeatedly by public opinion polls. For example, in an opinion poll released in May, respondents indicated that, of all minorities, they would least prefer to have a Roma for a neighbor.

In June 2000, the Government approved a Plan for Roma Integration aimed at combating discrimination against the Romani community; the plan tasked the Human Rights Commissioner with proposing legislation during the year designed to give advantage to Romani firms in securing government contracts. However, at year's end, the Human Rights Commission continued to work toward specific proposals aimed at providing the broadest benefit, not just to Roma-owned firms, but to Roma employees as well.

The Interministerial Commission for Romani Community Affairs, which includes 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany. The Commission also promoted positive initiatives in housing, education, and discrimination. During the year, the Commission budgeted \$625,000 (25 million Czech crowns) for projects to assist in integration of Roma.

The Government also took steps to improve its cooperation with representatives of the Roma community. On April 4, the Foreign Ministry and the International Romany Union signed a memorandum of cooperation on the formulating of a comprehensive plan for addressing the problems facing Roma. On June 15, Olga Cechurova was named Roma Affairs Coordinator at the Foreign Ministry. She functions as the Ministry's liaison with Roma groups, NGO's, and the diplomatic community.

There are "Roma advisors" or "Roma assistants"--created by the Interior Ministry to advise local authorities on Romani problems--in all 73 of the country's district offices and at the Prague, Brno, Ostrava, and Plzen town halls; over 60 percent of the advisors are Roma. These positions, originally slated for elimination at the time of a scheduled federal restructuring, are to continue but under the title of "regional advisors for ethnic minorities" beginning in 2003. Many advisors have made a significant contribution to their communities, but some Romani communities have complained of advisors' ineffectiveness and called for their removal. The advisors themselves have in some cases felt hindered by the lack of a clear legal mandate and procedural instructions for carrying out their duties.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. In August the first group of police trainees completed the national police academy's course in Romani language and culture, designed to improve police officers' communications with and response to the Romani communities in their precincts. One government initiative--the three "Romani-inspector" positions authorized to penalize shop and restaurant owners who refuse service to Roma--has been criticized for ineffectiveness and lack of resources.

During the year, more and better information on Romani issues became available in the mainstream press and other sources. There is a Romani journalism course at the College of Publicity, there has been a Department of Romani Language Studies at Charles University in Prague since 1991, and additional university-level Romani language study program exist in Usti nad Labem and Brno.

The Human Rights Commission's "Project Tolerance," ceased during the year because several of the companies that had bid on providing services for the project were found to have failed to meet prescribed standards and were disqualified.

#### Section 6 Worker Rights

#### a. The Right of Association

The law provides workers with the right to form and join unions of their own choice without prior authorization, and workers exercised this right in practice. Union membership continued to decline during the year. Most workers are members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS is a democratically oriented, republic-wide umbrella organization for branch unions. It is not affiliated with any political party and carefully maintains its independence.

Workers have the legal right to strike, with the exception of those in critical sectors, such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications industries. The law requires that labor disputes be subject first to mediation and that strikes take place only after mediation efforts fail. There were no major strikes during the year. Protests against the appointed general manager of the State-run television station, which began in December 2000, continued into January. In September owners of driving schools and used car dealerships blocked several Prague streets in front of the Transportation Ministry. They were protesting against changes in the law on vehicle registration, which they claimed would hurt their businesses.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with international trade union bodies.

#### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis; however, the 2001 ICFTU Annual Survey of Trade Union Rights alleged that some employers prevented communication between trade unionists to prevent collective agreements from being formed, and used other tactics designed to harass and intimidate workers. Those tactics reportedly included preventing union members from gaining access to company property, offering money in exchange for dissolving union organization within a company, firing union leaders, and refusing to withhold union dues from salaries. The scope for collective bargaining is more limited in the government sector for civil servants, where wages are regulated by law. The law prohibits antiunion discrimination.

There are 11 free trade zones. Their workers possess and practice the same right to organize and bargain collectively as other workers in the country.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, trafficking in women was a problem (see Section 6.f.).

The law prohibits forced or bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (schools for the mentally disabled and socially maladjusted) may work at the age of 14. Employment conditions for children aged 15 to 18 are subject to strict safety standards. These regulations are enforced in practice.

On June 6, the Government ratified International Labor Organization Convention 182 on the Worst Forms of Child Labor.

The law prohibits forced or bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

#### e. Acceptable Conditions of Work

The Government sets minimum wage standards. The national minimum wage was approximately \$154 (5,700 Czech crowns) per month; compared to approximately \$113 (3,600 Czech crowns) per month in the previous year. The national minimum wage provides a decent standard of living for a worker and family. The monthly



average wage is approximately \$364 (13,473 Czech crowns) per month. Average net wages are 2.8 times higher than official subsistence costs. Government subsidies are available to families with children. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale.

On January 1, a new law took effect establishing a 40-hour workweek, a decrease from the 42-hour workweek in the previous year. The law requires a paid rest period of at least 30 minutes during the standard 8-hour workday, as well as annual leave of 4 to 8 weeks, depending on the profession. Overtime ordered by the employer may not exceed 150 hours per year or 8 hours per week as a standard practice, although the local employment office may permit overtime above this limit. The Labor Ministry enforces standards for working hours, rest periods, and annual leave.

Government, unions, and employers promote worker safety and health standards, but conditions in some sectors of heavy industry do not meet these standards, particularly those awaiting privatization. The situation had improved at year's end, and the Government worked to harmonize its standards with those of the EU. In 2000 the number of industrial accidents declined 3.2 percent to 92,906 from 95,971 in 1999; year-end statistics reflected that the number of industrial accidents remained constant during the year. The Office of Labor Safety is responsible for enforcement of health and safety standards. Workers have the right to refuse work endangering their life or health without risk of loss of employment.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however trafficking in women and girls for the purpose of sexual exploitation was a problem.

The Czech Republic is a country of origin, transit, and destination country for trafficking in persons. A small number of Czech men are trafficked to the United States for coerced illegal work. Czech women and girls were trafficked to other European countries, such as Germany. Women and girls were trafficked to the Czech Republic from the former Soviet Union, Africa, Asia, and the Middle East. Women from Moldova, Romania, Bulgaria, Ukraine, and the Balkan countries were trafficked to and through the country--to other European countries and the United States--to work as prostitutes. There is some evidence that a small amount of trafficking of Czech women and children for prostitution takes place within Czech borders, from areas of low employment to border areas with Germany and Austria. The full extent of trafficking in children is unknown; however, convictions of child sex offenders were reported routinely in the media (see Section 5).

Trafficked women were offered jobs as models, maids, waitresses, and dancers and then forced into prostitution. Once in a destination country, traffickers withhold the victims' travel documents and use isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance. Traffickers are most often members of organized criminal groups from Russia, Bulgaria, the former Yugoslavia, and the Far East who work in cooperation with individual Czechs, Slovaks and, less often, Austrians and Germans.

There also are other relevant statutes that can be used to prosecute traffickers. The penalties for trafficking are roughly commensurate with those for rape and sexual assault. The Government investigates and prosecutes cases of trafficking in persons, although the conviction rates are low. During the year, 25 persons were prosecuted for trafficking crimes, compared to 13 in 2000. In several cases, they received additional sentences for charges under other sections of the Criminal Code.

Organizing prostitution and pimping are illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults can be prosecuted for engaging in sexual activity with a minor under the age of 15.) The Czechs cooperate extensively with other Central and Eastern European countries, European Union members and the United States during investigation and prosecution of trafficking cases. On October 10, Czech, German, and Austrian border police acted together to break up a criminal enterprise which had allegedly smuggled as many as 100 Afghans per week to Western Europe since 1999. Czech authorities arrested seven Czechs and five Afghans for their roles in the operation; the case was pending at year's end. According to the police, most of those smuggled were headed for the United Kingdom to seek asylum there.

The Czech Police Organized Crime Division includes a Unit on Trafficking in Persons, established in 1995, which cooperates with other nations to enforce these laws. During the year, a school curriculum package was introduced in schools across the country to educate minors about trafficking. In November the IOM and the Interior Ministry organized a 3-day workshop for officials dealing with trafficking problems. The event brought together experts from several countries to discuss methods to combat trafficking.

Police maintain close contact with the IOM and other NGO's in order to provide services to women after trafficking arrests. Foreign victims of trafficking are treated as illegal immigrants and either are detained or asked to leave the country within 30 days; however, foreign victims also may be offered temporary residence if they agree to testify against a trafficker. Those detained are sometimes deported, but more often are eventually released and ordered to depart the country within 30 days.

The Government does not provide direct assistance to victims, but does refer them to NGO's that provide assistance. The Government provides funding to some of these NGO's. La Strada is the primary indigenous NGO providing services and awareness campaigns to young girls and women who may become/have been victims of trafficking. Czech citizens who are trafficked to other countries often cannot receive government assistance upon their return because their identity documents were stolen or taken by the traffickers. Returnees also frequently are loath to go to their families or public social service providers for help because of the stigma attached to having been trafficked.